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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

CHARLIE J. DAVIS, JR.,)
)
Plaintiff,)
)
vs.)
)
ZELMER HYDEN, et al.,)
)
)
Defendants.)
) Case No. A02-0214 CV (JKS)

**PLAINTIFF'S SECOND SET OF REQUEST FOR PRODUCTION
TO DEFENDANTS**

Plaintiff Charlie Davis, , through counsel of record, Matthews & Zahare, P.C., and pursuant to Rules 26, 33 and 36 of the Federal Rules of Civil Procedure, submits the following second set of requests for production to be answered in writing under oath, within thirty (30) days from the date of service thereof.

REQUEST FOR PRODUCTION

These requests for production are deemed to be continuing and in the event new information covered by these requests for production becomes known to Defendants on a date subsequent to the time answers are posed, additional information must be supplied forthwith. These requests for production seek

information known to Defendants, their attorney, or any other person consulted in conjunction with the prosecution of this litigation. Plaintiff further gives notice that Defendants shall be required to make reasonable inquiry and set forth all the information as is available to them in answering each request for production separately and fully unless objected to, in which event they shall set forth a specific reason for their objection.

INTRODUCTION AND EXPLANATION

1. The term "document" as used herein includes all manner of written, typed, printed, reproduced, filed, electronically or magnetically stored, or recorded material, and all photographs, pictures, videotapes, films, plans or other representations of any kind or anything pertaining in any way, directly or indirectly, in whole or in part, to the subject matter of each request, and the term includes, but is not limited to, the following:

- (a) All papers, books, journals, ledgers, statements, memoranda, reports, studies, invoices, forms, worksheets, work papers, notes, notebooks, transcriptions of notes, letters, correspondence, abstracts, checks, diagrams, plans, blueprints, specifications, pictures, drawings, tapes, films, video tapes, photographs, graphic representations, diaries, calendars, lists, logs, publications, instruments, minutes, orders, purchase orders, messages, electronic mail, resumes, summaries, agreements, contracts, telegrams, telexes, cables, facsimiles, recordings, computer files or databases, or any other form of communications, no matter how recorded or reproduced, as well as all notations on any of the foregoing;
- (b) originals, all file copies, and all other copies of any of the foregoing; and
- (c) all drafts and notes (whether typed, handwritten, or otherwise) made or prepared in connection with such documents, whether used or not.

2. Documents to be produced shall include all documents wherever located in the possession, custody, or control of you, your agents, your attorneys, consultants, accountants, or other persons retained by or representing you.

3. If any document is withheld under claim of privilege or exemption, furnish a list identifying each document for which the privilege or exemption is claimed, together with the following information:

- (a) Its title, and if it has no title, its subject matter;
- (b) the date of origin;
- (c) the author or addressors;
- (d) the addressees;
- (e) the recipients of all copies;
- (f) the basis upon which the privilege or exemption is claimed; and
- (g) the name, address and telephone number of the custodian of the document and/or copies thereof.

4. If any document was, but is no longer in your possession, custody or control, state:

- (a) The disposition of the document;
- (b) the date upon which such disposition was made;
- (c) the identity and address of the present custodian of the document or, if it no longer exists, so state;
- (d) the person(s) who made the decision to dispose of the document;
- (e) the reason for the disposition; and
- (f) a description of the document and disposition of the contents of the document.

5. The following term applies to this request for production:

"Person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership, association, firm, trust, estate, or any other entity or organization.

6. As to the manner of production, Plaintiff specifies that the documents shall be produced separately for each numbered item or category listed below and that the documents produced shall be labeled with exhibit numbers which correspond to this request such that said response will accurately show the production of documents or absence thereof for each numbered item or category.

7. These discovery requests shall be continuing in nature up to and including the time of trial. Any information or documents not now known or not now in the control of the responding party must be produced as soon as such information or documents become known or come within the control of Defendants.

Request For Production No. 6: Please produce a copy of all prisoner transfer forms (Section 807.14(E)) relating to Charlie Davis.

Response:

Request for Production No. 7: Please produce a copy of all health appraisals (Section 807.14) prepared for Charlie Davis.

Response:

Request for Production No. 8: Please produce a copy of all requests for medical care (Form 807.02(A)) submitted by, on behalf of, or relating to any medical care for Charlie Davis.

Response:

Request for Production No. 9: Please produce a copy of all health care administration and staff meeting minutes where medical monitoring of inmates with

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heart conditions was discussed during the period from January 1, 1995 through December 31, 2002.

Response:

Request for Production No. 10: Please identify each and every fact which support your denial of Request For Admission Nos. 1 through 36 which you failed to unequivocally admit. Please identify each and every fact which supports your denial.

Response:

Request for Production No. 11: Please identify how many inmates have had defibrillator implants while passing through the custody and control of the Palmer Correction Center during the years 1999 through 2002.

Response:

Request for Production No. 12: Please identify each and every step taken to assure proper functioning of Mr. Davis' defibrillator implant during his incarceration at Palmer Correctional Center.

Response:

DATED this 17th day of April 2005, at Anchorage, Alaska.

MATTHEWS & ZAHARE, P.C.
Counsel for Plaintiff Davis

By


Thomas A. Matthews
Alaska Bar No. 8511179

CERTIFICATE OF SERVICE

I certify that on 12th day of April 2005
a copy of the foregoing document was
served by mail on:

Marilyn J. Kamm, Esq.
Assistant Attorney General
State of Alaska, Dept. of Law
Criminal Division Central Office
P.O. Box 110300
Juneau, AK 99811


Joyce L. Wylie

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2nd Set of Request for Production to Defendants
Davis v. Hyden, et. al., / A02-0214 CV (JKS)
TAM:jlw/103-2/2ndRFPonly-jds.doc

6 of 6

Exhibit 5
Page 12 of 16